

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
JOHNNY TARVER

Debtor(s)

CASE NO: BKS-19-12115-ABL

CHAPTER 13

Hearing Date: October 10, 2019

Hearing Time: 1:30 pm

CHRISTOPHER P BURKE ESO
Attorney for the Debtor

**AMENDED TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN
#1 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
bankruptcy case and hereby alleges as follows:

Statement of Facts

The Debtor(s) filed for Chapter 13 relief on 04/05/2019. The Section 341(a) Meeting of Creditors held on
June 25, 2019 at 11:30 am was concluded .

Argument

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
- Debtor failed to file tax returns for 2018. 11 U.S.C. §1308(a) and §1307(c).
- Plan is not feasible as required by 11 U.S.C. §1322 based on: JPMorgan Chase, IRS; BSI Financial; US Bank.

- Debtor(s) owe(s) pre-petition arrears on an obligation to a Conduit Creditor. Debtor(s) Plan does not comply with Local Bankruptcy Rule 3015(h) which requires Debtor(s) to make all ongoing post-petition payments through the Chapter 13 Plan as Conduit Payments for the following property: 1920 Ashburn and 1255 Kenwood (CA property)

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents and/or amendments:

- Amendment to Plan: section 2.4: list asset for liquidation value. .
- Amendment to Schedule A/B Real and personal Property: line #25: list the Living Trust per testimony.

Conclusion

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 9/12/19

/s/ Kathleen A. Leavitt
Kathleen A. Leavitt
Chapter 13 Trustee

KATHLEEN A. LEAVITT
CHAPTER 13 STANDING TRUSTEE
711 S 4Th Street
Suite 101
Las Vegas, NV 89101

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

JOHNNY TARVER

**CASE NO: BKS-19-12115-ABL
Chapter 13**

Debtor (s)

CERTIFICATE OF SERVICE

1. On September 12, 2019, I served the following document(s):

**AMENDED TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

2. I served the above-named documents(s) by the following means to the persons

as listed below:

United States mail, postage fully prepaid

JOHNNY TARVER
1920 ASBURN DR
NORTH LAS VEGAS, NV 89032

CHRISTOPHER P BURKE ESQ
218 S MARYLAND PKWY
LAS VEGAS, NV 89101

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: 9/12/19

/s/ Esther Carr
Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee